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NVIDIA CORPORATION

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JOSEPH CLOFINE, HEATHER  
DAUGHTREY, RONALD HEROLD,  
MARILYN NASTA and MERLE CAREY on  
behalf of themselves and all others similarly  
situated,

Plaintiffs,

v.

NVIDIA CORPORATION; ATI  
TECHNOLOGIES, INC.; and  
ADVANCED MICRO DEVICES, INC.,

Defendants.

Case No. C-07-0191 JL

**CLASS ACTION**

**STIPULATED REQUEST TO CONTINUE  
INITIAL CASE MANAGEMENT  
CONFERENCE AND ADR DEADLINES;  
[PROPOSED] ORDER**

**JURY TRIAL DEMANDED**

Plaintiffs Joseph Clofine, Heather Daughtrey, Ronald Herold, Marilyn Nasta, and Merle Carey ("Plaintiffs") and Defendants Nvidia Corporation ("Nvidia"), ATI Technologies, Inc. and Advanced Micro Devices, Inc. (collectively "AMD") hereby jointly request the Court to continue the initial case management conference and related deadlines in this action as follows.

1. On January 10, 2007, Plaintiffs filed the complaint in this action ("Complaint"), which alleges claims under Section 1 of the Sherman Act, 15 U.S.C. § 1, and under state antitrust and consumer protection laws. Plaintiffs styled the Complaint as a putative class action.

1           2.       As of the date of this Stipulation, at least 35 other complaints have been filed in  
2 this and other judicial districts. All of these complaints also allege federal and/or state law  
3 antitrust claims against Nvidia and AMD and are styled as putative class actions.

4           3.       On December 8, 2006, the plaintiffs in some of the other actions pending in this  
5 district filed a motion before the Judicial Panel on Multidistrict Litigation ("JPML" or "Panel") to  
6 transfer and consolidate in this judicial district all existing and subsequently filed antitrust actions  
7 related to the claims alleged in the Complaint ("JPML Motion"). The JPML Motion is currently  
8 pending in *In re Graphics Processing Units Antitrust Litigation*, MDL Docket No. 1826.

9           4.       On January 16, 2007, AMD and Nvidia filed a response with the JPML supporting  
10 consolidation and transfer of these actions to the Northern District of California, San Jose  
11 Division, or, in the alternative, in the Northern District of California, San Francisco Division. To  
12 date, every party responding to the JPML Motion has supported consolidation and transfer in  
13 either the Northern or Central Districts of California. No party has opposed consolidation and  
14 transfer.

15           5.       Oral argument on the JPML Motion is scheduled for March 29, 2007 in San  
16 Antonio, Texas. The parties agree that, at some point subsequent to that hearing, the JPML is  
17 likely to order transfer and consolidation of these actions.

18           6.       In light of these facts, Plaintiffs and Defendants stipulated on January 23, 2007 to  
19 extend the time for Defendants to respond to the Complaint to 30 days after (1) the order  
20 resolving the JPML motion and (2) the filing and service of any subsequent consolidated  
21 complaint, without prejudice to the right of Nvidia or AMD to seek additional time to answer or  
22 otherwise respond to the Complaint for good cause shown.

23           7.       Given the March 29, 2007 hearing date before the JPML, at least one of the dates  
24 set forth in the Case Management Scheduling Order entered on January 10, 2007, including the  
25 deadlines imposed by Federal Rules of Civil Procedure 26, Local Rule 16, and ADR Local Rule  
26 3.5, will come to pass before the JPML acts on the pending motion.

27           8.       Continuing the dates set forth in the January 10, 2007 Case Management  
28 Scheduling Order would avoid the expenditure of unnecessary judicial resources until it is

1 determined whether this action will remain pending in this Court. It would also ensure  
2 consistency in pretrial rulings and be convenient for the parties, including Plaintiffs.

3 9. Accordingly, the parties hereby stipulate to and respectfully request that the Court  
4 order a continuance of the dates set forth in the January 10, 2007 Case Management Scheduling  
5 Order. The affected dates include the deadline to meet and confer and file joint ADR documents  
6 (currently March 28, 2007); the deadline to complete Initial Disclosures, the Joint Case  
7 Management Statement, and the Rule 26(f) Report (currently April 11, 2007); and the Initial Case  
8 Management Conference (currently April 18, 2007).

9 10. The parties request that the Court continue the above referenced schedule as  
10 follows: (1) the deadline to meet and confer and file joint ADR documents – June 20, 2007; (2)  
11 the deadline to complete Initial Disclosures, the Joint Case Management Statement, and the Rule  
12 26(f) Report – July 3, 2007; and the Initial Case Management Conference – July 11, 2007. Such  
13 a continuance will allow this matter to move forward promptly in the event that the JPML Motion  
14 is denied and further proceedings before this Court are necessary.

15 11. Except as described in Paragraph 6, the parties have sought no previous  
16 modification of the timing of any event or deadline set by the Court.

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12. The parties agree to notify the Court promptly when the Panel rules on the JPML Motion.

Respectfully submitted,

Dated: March 7, 2007

COOLEY GODWARD KRONISH LLP

By: /s/ James Donato  
James Donato (146140)

Attorneys for Defendant  
NVIDIA CORPORATION

Dated: March 7, 2007

LATHAM & WATKINS LLP

By: /s/ Charles H. Samel  
Charles H. Samel (182019)

Attorneys for Defendants  
ATI TECHNOLOGIES, INC. and  
ADVANCED MICRO DEVICES, INC.

Dated: March 7, 2007

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By: /s/ Christopher M. Burke  
Christopher M. Burke (181719)

Attorneys for Plaintiffs  
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RONALD HEROLD, MARILYN NASTA and  
MERLE CAREY

FILER'S ATTESTATION:

Pursuant to General Order No. 45, § X(B) regarding signatures, I attest under penalty of perjury that the concurrence in the filing of this document has been obtained from its signatories.

Dated: March 7, 2007

By: /s/ James Donato  
James Donato

~~PROPOSED ORDER~~

Pursuant to the stipulation of the parties, all dates set forth in the January 10, 2007 Case Management Scheduling Order are hereby continued as follows: (1) the deadline to meet and confer and file joint ADR documents will be June 20, 2007; (2) the deadline to complete Initial Disclosures, the Joint Case Management Statement, and the Rule 26(f) Report will be July 3, 2007; and (3) the Initial Case Management Conference will be July 11, 2007. The parties are ordered to notify the Court promptly when the Judicial Panel on Multidistrict Litigation rules upon the motion for consolidation pending in MDL Docket No. 1826, *In re Graphics Processing Units Antitrust Litigation*.

Pursuant to stipulation, it is so ordered.

Dated: March 8, 2007

